

REMARKS

Responsive to the Advisory Action mailed June 4, 2008, Applicants provide the following. The Specification and Claims were amended in the previous response that should be entered with the filing of the accompanying Request for Continued Examination. Further, these amendments were made without adding new matter and are fully supported by the Application as filed. Reconsideration of claims 1-14 and 20-29 in view of the remarks below is respectfully requested.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Claim Rejections - 35 U.S.C. §112

1. Claims 1-14 and 20-29 were rejected under 35 U.S.C. § 112, first paragraph, as not being enabled by the disclosure. Applicants respectfully traverse this rejection in that the Application as filed provides full support for the limitations as recited in the previously and currently pending claims.

Claim 1, for example, recites in part “searching for an event profile corresponding to the event wherein the searching is done without using a time or date.” The Advisory Action suggests that recited “negative limitation ... raises similar issues of new matter as those discussed in the final action.” Applicants respectfully submit that the Specification on at least page 13, lines 14-21 introduce the flow diagrams depicted in FIGS. 5-8, and specifically recites:

The blocks within the flow diagrams can be performed in a different sequence without departing from the spirit of the methods and apparatuses for capturing and storing content related to an event. Further, blocks can be deleted, added, or combined without departing from the spirit of the methods and apparatuses for capturing and storing content related to an event.

(Application as filed, page 13, lines 16-21, emphasis added).

FIG. 5, for example, of the Application as filed specifically includes step 540 specifying “Detecting Content Author,” and step 560 specifying “Detecting Capture Location of Content.” The fact that step 550 is excluded is specifically specified in the Application as filed in introducing FIGS. 5-8 and stating that one or more steps, such as step 550, may be excluded. Therefore, the Application as filed provides full support for the claim limitations amended into the claims.

Applicants further respectfully submit that the Specification as filed demonstrates that the Applicants had possession of the claimed invention. The fact that the Specification specifically identifies that steps may be deleted demonstrates that the Applicants contemplated associating content with an event without date or time information (for example, by deleting step 550). Additionally, the Specification as filed conveys to one of skill in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention, including, for example, associating content with an event without the use of date or time information.

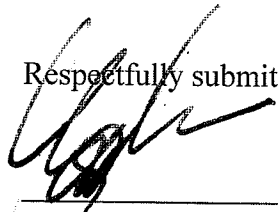
The suggested “negative limitation” of “without” as indicated in the Advisory Action has express support and provides a basis in the Specification as filed, at least on page 13, lines 16-21. Further, “[i]f alternative elements are positively recited in the specification, they may be explicitly excluded in the claims” (MPEP 2173, citing *In re Johnson*, 558 F.2d 1008, 1019, 194 USPQ 187, 196 (CCPA 1977), and *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983)). The Specification as filed positively recites at least, with respect to FIG. 5, detecting content author, capture time and capture location. Additionally, the Specification as filed specifically recites that one or more steps can be deleted from the process, for example, as depicted in FIG. 5. Therefore, Applicants respectfully submit that the amendments to the claims have express support in the Specification as filed, and thus, satisfy at least 35 U.S.C. 112, first paragraph.

CONCLUSION

Applicants respectfully submit that the above remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

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Respectfully submitted,



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